

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

21-CR-7-JJM

JOHN STUART,

Defendant.

MOTION FOR AN EXTENSION OF TIME
TO FILE RESPONSE TO DEFENDANT'S MOTION TO COMPEL

PLEASE TAKE NOTICE that upon the annexed Affidavit of Laura A. Higgins, Assistant United States Attorney, the undersigned hereby moves this Court for an extension of time to file its response to the defendant's motion to compel (Doc. 49) in the above-referenced case.

DATED: Buffalo, New York, October 28, 2022.

TRINI E. ROSS
United States Attorney

BY: _____

LAURA A. HIGGINS
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

21-CR-7-JJM

JOHN STUART,

Defendant.

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

LAURA A. HIGGINS, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York assigned to the prosecution of the above-referenced case. This affidavit is submitted in support of the government's motion for a 30-day extension of time to file its response to the defendant's motion to compel (Doc. 49). Defense counsel is aware of, and joins in, the government's motion.

2. On July 8, 2022, with permission of the District Court, the defendant filed a motion to compel to supplement his previously filed pretrial omnibus motions. *See* Doc. 49. This Court set a deadline of October 24, 2022 for the government to respond. Regrettably, because of other work matters, government counsel was unable to prepare a response to submit by that deadline.

3. Government counsel has sought information and reports from the investigative agency and needs to consult with the investigative agency regarding the scope of disclosure that may be made and is requesting 30 days to do so.

4. Government counsel confirmed with defense counsel, Jeffrey Bagley, Esq., that he has no objection to this extension of time for the government to file its response and agrees that Speedy Trial Time is excludable pursuant to 18 U.S.C. § 3161(h)(1)(D) (pretrial motion by defendant is pending).

/s/LAURA A. HIGGINS

Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
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716/843-5862
Laura.Higgins@usdoj.gov

Subscribed and sworn to before me

this 28th day of October, 2022.

s/JESSICA A. OLSZEWSKI
COMMISSIONER OF DEEDS

In And For The City Of Buffalo, New York.
My Commission Expires Dec. 31, 2023